

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

AMERICAN CENTRAL INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05-cv-143 (DCB) (JCS)

MASSEY LAND & TIMBER, LLC;
DAVID BREWER, INC.;
BREWER CONSTRUCTION, INC.;
AND PEAR ORCHARD VICKSBURG, LLC

DEFENDANTS

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

This cause is before the Court on the plaintiff American Central Insurance Company's motion for judgment against defendant Massey Land & Timber, LLC **(docket entry 8)**. Having carefully considered the motion and being fully advised in the premises, the Court finds as follows:

On October 24, 2005, Massey filed its answer in this cause. The clerk's entry of default entered October 26, 2005, was improper and has been set aside. Therefore, the plaintiff's motion for default judgment is not well taken. Accordingly,

IT IS HEREBY ORDERED that the plaintiff American Central Insurance Company's motion for judgment against defendant Massey Land & Timber, LLC **(docket entry 8)** is DENIED.

SO ORDERED, this the 14th day of December, 2005.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE